

VZCZCXYZ0001
RR RUEHWEB

DE RUEHGHT #0937/01 1351630
ZNR UUUUU ZZH
R 151630Z MAY 06
FM AMEMBASSY GUATEMALA
TO RUEHC/SECSTATE WASHDC 9658
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE
RUEHGV/USMISSION GENEVA 0802
RUCNDT/USMISSION USUN NEW YORK 0079

UNCLAS GUATEMALA 000937

SIPDIS

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E.O. 12958: N/A

TAGS: [PHUM](#) [EAID](#) [PREL](#) [GT](#)

SUBJECT: GUATEMALA'S OHCHR FIELD OFFICE

REF: STATE 73948

¶1. Summary: After only ten months, it is too early to evaluate the OHCHR's field activities in Guatemala. The OHCHR is still planning its training efforts for judges and its democracy building initiatives in advance of the 2007 elections. Nonetheless, OHCHR's staff has demonstrated a responsive and positive willingness to use its "good offices" to pressure the Government of Guatemala to maintain attention on high-priority human rights cases. The office has a positive relationship with relevant executive and legislative offices, but is looking to expand its mandate to provide technical support on all types of international treaties, not just those that concern human rights. End summary.

OHCHR Guatemala

¶2. The Office of the High Commissioner for Human Rights (OHCHR) commenced operations in Guatemala just seven months ago, but thus far has demonstrated remarkable clarity in its mission. The office had the advantage of following upon the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA), which completed its 10-year mandate and closed its office in 2004. The office has a 2006 budget of \$3,264,000 and employs 15 professional staff plus some administrative assistance.

¶3. The OHCHR has a three-year mandate; with an option for an additional three years should both the host government and the High Commission deem it necessary. The OHCHR has the mandate to advise the Guatemalan state authorities in the formulation and application of policies and programs to improve the promotion of human rights. The OHCHR also supports human rights educational campaigns and provides counsel to civil society and to individuals regarding the use of national and international mechanisms to protect their human rights.

¶4. A particularly contentious issue in negotiating the establishment of the Resident Office was the production of an annual report on the state of human rights in Guatemala. The negotiating parties finally agreed that the OHCHR would produce a report on its activities for internal use. OHCHR staff noted some concern in regard to how the newly-established United Nations Human Rights Council will use or distribute the report.

¶5. While it is too early to judge reliably the effectiveness of OHCHR's field activities, OHCHR's staff has demonstrated a responsive and positive willingness to use their "good offices" to pressure the Government of Guatemala (GOG) to maintain attention on high-priority cases. Senior staffers note to us that they carefully avoid the task of investigating alleged crimes, which remains the responsibility of the GOG. OHCHR's goal is merely to gather information to share with the GOG and then maintain a

supportive relationship with relevant GOG offices to ensure that cases are not ignored.

¶16. While the Resident Office in Guatemala opened in July 2005, the High Commission also intends to open a Central American Regional Office to focus on discrimination, violence against women, and exclusion.

Engaging with the State

¶17. The OHCHR's primary government partner is the Presidential Commission for Human Rights (COPREDEH). Relations between COPREDEH, one of the better-led GOG entities, and OHCHR are already strong and productive. OHCHR provides continuous support to COPREDEH regarding the latter's cases before the Inter-American Commission on Human Rights. The OHCHR is negotiating an agreement with the Presidency to provide counsel to the GOG on all international treaties, not merely those related to human rights.

¶18. The OHCHR's advisory role to the state extends to the legislative branch. OHCHR works with the Congressional Committee on Human Rights to review legislation and to advise on legislative conformance to international human rights treaties to which Guatemala is, or hopes to be, a party. At the moment, OHCHR is reviewing five legislative proposals in Congress to resolve land conflicts and will make recommendations to the Commission members. While OHCHR is not directly engaged in land disputes, it monitors such cases due to the potential for such conflicts to erupt into violence.

¶19. OHCHR has not yet begun training sessions for judges and prosecutors, but is developing such a program to focus on international treaty obligations in the adjudication of law. OHCHR staff told us that they expect this effort to be the most sensitive undertaking within the overall mandate, but one that should provide the most significant returns on OHCHR's investment. The political sensitivity to an outside entity training Guatemalan judges, they cautioned, will require support at the highest levels of the judiciary. While the current president of the Supreme Court is extremely helpful, OHCHR is concerned that future court leadership may take a different tone. (Note: The Presidency of the Guatemalan Supreme Court is a one-year non-renewable term. End note.)

¶110. OHCHR hopes to strengthen the capacity and the role of the Human Rights Ombudsman (PDH), who reports to Congress. PDH already has national coverage through a network of regional offices, but these offices often defer to headquarters even on routine issues. OHCHR hopes to increase the capacity of these local offices to monitor human rights and respond to specific complaints, both to improve their utility and to aid in the general decentralization of government. In particular, OHCHR hopes to assist PDH with its formal mandate to provide education to the populace on human rights.

Engaging with Civil Society

¶11. OHCHR already has a strong relationship with Guatemala City-based civil society. When these activists and NGOs perceive threats or intimidation, OHCHR has become their first stop. In this sense, civil society acts as a client of OHCHR. While members of civil society in the capital are often at odds with one another, OHCHR has begun to play a leadership role to encourage cooperation on mutual interests.

¶12. Outside of the capital, OHCHR hopes to maintain the contacts developed during MINUGUA's 10-year presence. Racism and discrimination are chief among OHCHR criteria for judging the Guatemalan human rights environment, and OHCHR efforts in rural areas are dedicated to this effort. OHCHR maintains extensive contact with organizations dedicated to supporting the indigenous population, including the Indigenous Public Defenders Office, the Defenders of Indigenous Women, and numerous rural organizations dedicated to indigenous rights.

¶13. OHCHR stresses the need for participation in the democratic process. In addition to educating the population on both the need to participate and the mechanics of doing so, OHCHR is developing a monitoring plan for the 2007 elections planning process. OHCHR hopes to increase the number of rural polling stations and simplify the mechanisms for participation.

Engaging with other UN Bodies

¶14. OHCHR staff note that they have an open and productive relationship with other United Nations offices. They believe that these offices are open to targeting development assistance to complement OHCHR's advocacy and education efforts.

Derham